REMARKS/ARGUMENTS

In response to the Office Action dated August 12, 2004, claims 1, 10 and 11 are amended, claims 2, 3 and 5 are canceled, and claims 12 and 13 are added. Claims 1, 4 and 10-13 are now active in this application. No new matter has been added. Claims 6-9 are withdrawn as being directed to a non-elected species.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

Claims 1-5, 10 and 11 are rejected under 35 U.S.C. § 102(a) as being anticipated by Georghiades et al., "Illumination cones for recognition under variable lighting" (hereinafter, Georghiades 98).

To expedite prosecution, independent claim 1 is amended to recite:

> An image processing apparatus comprising:
> a landmark amount input unit to input at least one landmark amount selected from a plurality of coordinate values to identify a shape of a face image or a plurality of grey-level values of texture of a face image, as the landmark amount of a face image included in an input image;
> an image pickup condition input unit to input inclination of a face image in a depth direction as an image pickup condition of capturing said input image; and
> an image space formation unit to form an image space by applying a statistical method on a plurality of said landmark amounts input through said landmark amount input unit and a plurality of image pickup conditions input through said image pickup condition input unit with respect to a plurality of face images.

Independent claims 11 and 12 are similarly amended.

There is no disclosure in Georghiades 98 of entering the ***inclination of a face image in the depth direction as the image pickup condition*** in shooting the input image, as now recited in each of independent claims 1, 11 and 12. In the invention of the present application, when a

plurality of coordinate values to identify a shape of a face image or a plurality of grey-level values of texture of a face image are used as the data of the landmark amount, an image space is formed by adding the inclination amount indicative of the inclination of a face image in the depth direction as the image pickup condition and applying a statistical method. Therefore, a face image corresponding to the inclination in the depth direction in the image space can be merged. For example, a person with a wide forehead will not be recognized as a person with a small forehead even when facing upwards. A face image can be merged in high accuracy.

As Georghiades 98 does not disclose or suggest all the features now recited in amended independent claims 1, 10 and 11, claims 1, 10 and 11, as amended are patentable over Georghiades 98, as is dependent claim 4. Consequently, the allowance of claims 1, 4, 10 and 11, as amended, is respectfully solicited.

NEW CLAIMS

New claims 12 and 13 are submitted. Claim 12 depends from amended claim 10 and claim 13 depends from amended claim 11. As amended claims 10 and 11 are patentable over Georghiades 98, dependent claims 12 and 13 are patentable over Georghiades 98 also. Consequently, the allowance of new claims 12 and 13 is respectfully solicited.

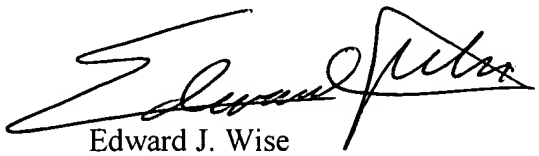
CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicant' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY



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